



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1998

Ms. Christine Lanners  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR98-3181

Dear Ms. Lanners:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 120943.

The City of Dallas Police Department (the "department") received a request for

1) Full copy of internal affairs complaint against Officers H. Beil 4290 & E. Tate 5927 from complaintant [sic] Kevin Green on, or about September/October 97.

2) Full copy of internal affairs investigation 98-150.

3) Copy of "call sheet" and all inclusive associated reports on service #'s: 770949-F and 740917-F.

4) Copies of following service #'s, including full copies of these reports including supplements: 738562-F, 762761-F, 770949-F, 775986-F, 775984-F, 811012-F, 811121-F and 811150-F.

You assert that service number 0811121-F is excepted from disclosure under section 552.108 of the Government Code and that the originating telephone numbers and addresses from the 911 call sheets are confidential under section 552.101 of the Government Code in

conjunction with section 772.318 of the Health and Safety Code. We assume that you have released the remaining requested information to the requestor. We have considered the exceptions you claim and have reviewed the representative sample of documents submitted.<sup>1</sup>

Section 552.108, the "law enforcement exception," excepts from public disclosure information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime if release of the information would interfere with the detection, investigation or prosecution of crime. Generally, a governmental body claiming an exception under section 552.108 must reasonably explain, if the information does not supply the explanation on its face, how and why the release of the requested information would interfere with law enforcement. *See* Gov't Code §§ 552.108(a)(1), (b)(1), .301(b)(1); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state that service number 0811121-F relates to a case that is pending prosecution. Because you have shown that release of the requested information would interfere with the detection, investigation or prosecution of crime, we conclude that the requested information may be withheld under section 552.108(a)(1). *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

However, we note that "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report. *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, except for basic information, the remaining requested information in service number 0811121-F is excepted from disclosure under section 552.108(a)(1). Although section 552.108 authorizes you to withhold the remaining requested information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See* Gov't Code § 552.007.

As for the 911 call sheets, Open Records Letter No. 98-2551 (1998) answers your question concerning originating telephone numbers and addresses on 911 call sheets. You

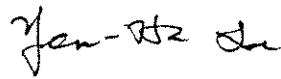
---

<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

may rely upon that prior ruling as a previous determination on this issue under section 552.301 of the Government Code and thus need not ask this office again for a decision concerning these types of records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request. If you have questions about this ruling, please contact our office.

Yours very truly,



Yen-Ha Le  
Assistant Attorney General  
Open Records Division

YHL/nc

Ref: ID# 120943

Enclosures: Submitted documents, previous determination

cc: Mr. Harold S. Beil  
1312 Bryan Place  
Seagoville, Texas 75159  
(Previous determination enclosed)